

DECLARATORY  
~~Improvement~~ Res. No. 1262-1970

For the Condemnation of right of way for street purposes to widen the west side of Anthony Boulevard from the southerly right of way line of Decatur Road to the northerly right of way line of U. S. Highway No. 27.

Resolution Adopted: March 30, 1970

Confirmed: April 23, 1970

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed: May 21, 1970

B.O.54-1970

DECLARATORY RESOLUTION NO.1262-1970

For the Condemnation of right of way for street purposes to widen the west side of Anthony Boulevard from the southerly right of way line of Decatur Road to the northerly right of way line of U. S. Highway No. 27.

PLANS ORDERED:

ADOPTED: March 30, 1970

ADVERTISE NOTICE TO PROPERTY OWNERS: April 2 & 9, 1979  
Notices mailed April 10, 1970

HEARING ON CONFIRMATION: Thurs., April 23, 1970 3:30 p. m.  
Remon. received

CONFIRMED: April 23, 1970

ASSESSMENT ROLL ORDERED: April 23, 1970

ASSESSMENT ROLL APPROVED: April 30, 1970

HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL: Thurs., May 21, 1970 3:30 p. m.

NOTICE SERVED: May 8, 1970

ASSESSMENT ROLL CONFIRMED: May 21, 1970

For the ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ <sup>street</sup> purposes to widen the west side of Anthony Boulevard from the southerly right of way line of Decatur Road to the northerly right of way line of U.S. Highway No. 27.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~condemn right of way for street purposes~~ to widen the west side of Anthony Boulevard (Oetting Road) from the southerly right of way line of Decatur Road to the northerly right of way line of U.S. Highway No. 27, more particularly described as follows:

(See Attached Sheet)

All as shown by a plan of such proposed ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility~~ <sup>street</sup> purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The condemnation of right of way is to be made by condemning and appropriating for street purposes the property described above.

The cost of said ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility~~ <sup>street</sup> purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation~~ ~~Opening~~ ~~Condemnation of right of way for utility~~ <sup>street</sup> purposes is described as follows: Space lying south of Decatur Road, west of Anthony Boulevard and north of U.S. Highway No. 27. Said space is inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described \_\_\_\_\_ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described ~~condemnation of right of way for street purposes~~ are situated in the northeast quarter of Section Thirty-six, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 30 DAY OF March 19 70

Attest:

Secretary Board of Public Works.

Board of Public Works.

DECLARATORY RESOLUTION NO. 1262-1970

CONDEMNATION OF STREET RIGHT OF WAY FOR WIDENING ANTHONY BOULEVARD

Beginning at the intersection of the centerline of Decatur Road and the centerline of Anthony Boulevard; thence south along the centerline of Anthony Boulevard, a distance of 819 feet; thence west by deflection right of 90 degrees, a distance of 20 feet; thence in a southwesterly direction by deflection left of 51 degrees 53 minutes, a distance of 32.40± feet, to a point located 40 feet normally distant from the centerline of Anthony Boulevard; thence north and parallel with said centerline of Anthony Boulevard, a distance of 871.83± feet, to the centerline of Decatur Road; thence in a southeasterly direction along the centerline of Decatur Road, a distance of 48.45± feet, to the point of beginning.



DECATUR 30 40

100

48.45°

RD.

20 20 40

SPACE  
N.E. 1/4 36-30-12

871.83±

BOULEVARD

819

ANTHONY

20 40

51.53°  
32.4±



 RIGHT OF WAY TO BE CONDEMNED  
FOR STREET PURPOSES

U.S. #27

174

CITY ENGINEER'S OFFICE  
FORT WAYNE, INDIANA

Date MARCH, 1970

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

55-70-1

April 23, 1970

B.O.54-70

Date

To City Engineer

Subject Dec. 1262-1970 Anthony Blvd.

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman  
Robert W. Dahman  
George F. Gable  
BOARD OF PUBLIC WORKS

ic  
encl. Res. & P. O. List

Signed

Reply:

April 28, 1970

Assessment roll of Benefits and Damages completed and attached.

NOTED

☐ F.S.E.  
☐ R.W.D.  
☐ G.F.G.

Date

*Donald E. Bodeker*  
Donald E. Bodeker  
Office Manager

DEB:lc  
attachs.

BOARD OF PUBLIC WORKS  
**RECEIVED**  
APR 28 1970  
**RECEIVED**

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

April 23, 1970

Board of Public Works of the City  
of Fort Wayne, Allen County, Indiana  
City Hall  
Fort Wayne, Indiana

In re: Improvement Declaratory  
Resolution No. 1262-1970

Gentlemen:

The undersigned is the owner of the North Half of the Northeast Quarter of Section 36, Township 30 North, Range 12 East, lying East of U. S. Highway numbered 27, Wayne Township, Allen County, Indiana, and in response to your Notice of Improvement contemplating the condemnation of right of way for street purposes to widen the west side of Anthony Boulevard from the southerly right of way line of Decatur Road to the northerly right of way line of U. S. Highway numbered 27, does strenuously object to the condemnation of said right of way for the reason that the undersigned's real estate will receive no special benefits from the construction of said proposed widening of the west side of Anthony Boulevard, and any purported benefit arising therefrom would be more than offset by the burdens imposed upon the property, and that any such taking could not be justified in relation to the substantial cost that would be incurred by the City of Fort Wayne in the ultimate acquisition of said real estate.

Very truly yours,

SANDOR DEVELOPMENT CORP.



By: Sidney Eskenazi, President  
7 North Meridian Street  
Indianapolis, Indiana 46200

# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ..... April 10, 1970 .....

1262

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
Declaratory  
pass Improvement/Resolution No. ....1262-1970.....  
providing for the Condemnation of right of way for street purposes to widen the west  
side of Anthony Boulevard from the southerly right of way line of Decatur Road to the  
northerly right of way line of U. S. Highway No. 27.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the de-  
tailed plans, profile and specifications which are now on file and may be seen in the office of the Board  
of Public Works.

The Board has fixed Thursday, April 23, 1970 at 3:30 pm in Conference Room 102  
a date and time when they will hear and consider objections or remonstrances from all persons whose  
property will be affected by the proposed improvement.

You are hereby notified that

Space

is subject to assessment for said proposed improvement under the Improvement Laws passed by the Gen-  
eral Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supple-  
mental thereof.

BOARD OF PUBLIC WORKS



55-22-5

ENGINEERING  
DEPT. OF STREETS

DATE March 26, 1970

TO: Board of Public Works

SUBJECT: Board Order No. 54-1970

We are attaching Declaratory Resolution No. 1262-1970 which provides for condemning street right of way on the west side of Anthony Boulevard between Decatur Road and U.S. Highway No. 27.

This condemnation is necessary in connection with the proposed paving of Anthony Boulevard under Improvement Resolution No. 5541-1970. The development plans submitted to the Building Department indicated this area as proposed street right of way but a formal dedication has never been received.

Please set the hearing date on April 23, 1970 to coincide with the 2nd confirmation of Resolution 5541.

A drawing and property ownership list are also attached.

*Donald E. Bodeker*  
Donald E. Bodeker  
Office Manager

DEB:lc  
attachs.

BOARD OF PUBLIC WORKS  
RECEIVED  
MAR 26 1970

1262

Board of Public Works, City of Ft. Wayne  
(Governmental Unit)

To NEWS-SENT INEL Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

54

5

60

APR 17 1970

## COMPUTATION OF CHARGES

60 lines, columns wide equals equivalent lines at 288¢  
cents per line

\$ 17.28

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.28

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date April 13, 1970

Title Clerk

## Legals

NOTICE TO PROPERTY OWNERS  
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 30th day of March, 1970, the said Board deeming it necessary to make certain improvements adapted the following:

## DECLARATORY RESOLUTION

NO. 1262-1970  
Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for street purposes to widen the west side of Anthony Boulevard (Oetting Road) from the southerly right of way line of Decatur Road to the northerly right of way line of U.S. Highway No. 27, more particularly described as follows: Beginning at the intersection of the centerline of Decatur Road and the centerline of Anthony Boulevard; thence south a distance of 819 feet; thence west by deflection right of 90 degrees, a distance of 20 feet; thence in a southwesterly direction by deflection left of 51 degrees 53 minutes, a distance of 32.40 + or — feet, to a point located 40 feet normally distant from the centerline of Anthony Boulevard; thence north and parallel with said centerline of Anthony Boulevard, a distance of 871.83 + or — feet, to the centerline of Decatur Road; thence in a southeasterly direction along the centerline of Decatur Road, a distance of 48.45 + or — feet, to the point of beginning.

All as shown by a plan of such proposed Condemnation of right of way for street purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The Condemnation of right of way is to be made by condemning and appropriating for street purposes the property described above.

The cost of said Condemnation of right of way for street purposes shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 23rd day of April, 1970, as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

FRED S. EHRLMAN,  
ROBERT W. DAHMAN,  
GEO. F. GABLE,  
BOARD OF PUBLIC WORKS.  
Attest: KENNETH MCGRAW, Clerk.

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENT INEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

April 2, 1970

April 9, 1970

Subscribed and sworn to before me this 13th day of April 1970

A. M. Hostman

Edith Stapleton

Notary Public

My commission expires March 8, 1974



Claim No. .... Warrant No. ....

IN FAVOR OF

\$ .....

On Account of Appropriation for

Appropriation No. ....

Allowed ..... , 19 .....

In the sum of \$ .....

I have examined the within claim and hereby certify as follows:  
That it is in proper form.  
That it is duly authenticated as required by law.  
That it is apparently } Correct  
                                      } Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR				
SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.



Board of Public Works, City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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## COMPUTATION OF CHARGES

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\$17.28

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date April 13, 1970

Title CLERK

## Legal Notices

**NOTICE TO PROPERTY OWNERS**  
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 30th day of March, 1970, the said Board deeming it necessary to make certain improvements adopted the following:

**DECLARATORY RESOLUTION**  
NO. 1262-1970

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right of way for street purposes to widen the west side of Anthony Boulevard (Oetting Road) from the southerly right of way line of Decatur Road to the northerly right of way line of U.S. Highway No. 27, more particularly described as follows: Beginning at the intersection of the centerline of Decatur Road and the centerline of Anthony Boulevard; thence south a distance of 819 feet; thence west by deflection right of 90 degrees, a distance of 20 feet; thence in a southwesterly direction by deflection left of 51 degrees 53 minutes, a distance of 32.40 + or — feet, to a point located 40 feet normally distant from the centerline of Anthony Boulevard; thence north and parallel with said centerline of Anthony Boulevard, a distance of 871.83 + or — feet, to the centerline of Decatur Road; thence in a southeasterly direction along the centerline of Decatur Road, a distance of 48.45 + or — feet, to the point of beginning.

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FRED S. EHRLMAN,  
ROBERT W. DAHMAN,  
GEO. F. GABLE,  
BOARD OF PUBLIC WORKS.  
Attest: KENNETH MCGRAW, Clerk.  
4-2, 9.

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

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9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

R E M O N S T R A N C E

IN RE: Remonstrance as to the amount of the award of the damages on account of the condemnation of right-of-way for street purposes to widen the West side of Anthony Boulevard from the Southerly right-of-way line of Decatur Road to the Northerly right-of-way line of U. S. Highway No. 27 (pursuant to Declaratory Resolution No. 1262-1970)

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The undersigned, being the owner of the following described real estate, to-wit:

The North Half (N 1/2) of the Northeast Quarter (NE 1/4) of Section 36, Township 30 North, Range 12 East, East of U. S. Highway No. 27, except 5.686 acres, and except U. S. Highway No. 27, Allen County, Indiana,

herewith files its written remonstrance at the public hearing held with reference to the above-captioned on Thursday, May 21, 1970, at 3:30 P.M. at the office of the Board of Public Works, City Hall, Fort Wayne, Indiana; said remonstrance is based upon the following objections with reference to the above-captioned:

1. That the award of damages of \$1.00 is insufficient, as the damages far exceed the benefits by the sum of approximately \$25,000.00; and,
2. That this remonstrating owner was not awarded ultimate net damages in the sum of \$25,000.00, after crediting the benefits to total damages; and,
3. That the Board of Works failed to cause written notice of this hearing to be served upon the undersigned owner of the above-described real estate, as provided by law.

SANDOR DEVELOPMENT COMPANY,  
a Partnership,

By Sidney D. Eskenazi  
(Sidney D. Eskenazi)

7 North Meridian Street  
Indianapolis, Indiana 46200

Attorney of Record filing Remonstrance:  
James R. Solomon  
Hoffman, Moppert & Solomon  
1212 Anthony Wayne Bank Bldg.  
Fort Wayne, Indiana 46802  
Telephone 742-1131

DECLARATORY

Improvement Resolution No. 1262-1970 For THE CONDEMNATION OF RIGHT OF WAY FOR STREET PURPOSES TOWIDEN THE WEST SIDE OF ANTHONY BOULEVARD FROM THE SOUTHERLY RIGHT OF WAY LINE OF DECATUR ROAD TO THE NORTHERLY  
RIGHT OF WAY LINE OF U.S. HIGHWAY No. 27.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O. L.	
1	SANDOR DEVELOPMENT CORP.	% ESKENAZI, MITCHELL				N. 1/2 OF N.E. 1/4 SECT. 36-T30N-R12E,
2		7 N. MERIDIAN ST.				EAST OF U.S. HIGHWAY #27, EXCEPT
3		INDIANAPOLIS, IND.				5.686 ACRES & EXCEPT U.S. #27
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61	NOTICES DATED 10-1-70					
62	April 23, 1970					
63	By: Cheryl Robbins					
64						
65						
		TOTAL				





1262